

PROB 12C
(7/93)

United States District Court

for

District of New Jersey

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Donald Anthony Carmen

Docket Number: 09-00050-001
FACTS Number: 41676

Name of Sentencing Judicial Officer: Honorable Robert W. Pratt, (SD/IA); The Honorable Joseph A. Greenaway Jr. (D/NJ) accepted jurisdiction of this case on January 13, 2009

Date of Original Sentence: 11/02/2007

Original Offense: Failure to Pay Child Support (3 counts)

Original Sentence: 5 years probation.

Type of Supervision: Probation

Date Supervision Commenced: 11/02/07

Assistant U.S. Attorney: To be assigned, 970 Broad Street, Room 502, Newark, New Jersey 07102, (973) 645-2700

Defense Attorney: To be assigned, 972 Broad Street, 2nd Floor, Newark, New Jersey 07102, (973) 645-6347

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1. The offender has violated the supervision condition which states '**You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.**'

The offender failed to report as directed on the following dates: June 30; June 24; June 3; May 22; and May 20, 2009.
2. The offender has violated the supervision condition which states '**You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.**'

The offender tested positive for cocaine on May 6 and April 13, 2009. He tested positive for marijuana usage on January 9, 2009, and verbally admitted to smoking marijuana on December 31, 2008.
3. The offender has violated the supervision condition which states '**You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.**'

During a home visit on July 9, 2009, the offender was instructed to make contact with our office to obtain his client identification number and phone number for the code-a-

phone drug testing phase system, as he reportedly misplaced those numbers. The offender did not make contact with our office until July 14, 2009.

4. The offender has violated the supervision condition which states 'You shall notify the probation officer within 72 hours of any change of residence or employment.' The offender has also violated a special supervision condition which states, 'You shall work only at employment approved by the U.S. Probation Office. You shall consult the U.S. Probation Office prior to any change in employment. You shall not terminate any employment without prior approval from the U.S. Probation Office.'

In March 2008, the offender reported that he was employed at Mecho Shades in Edison, New Jersey. During a home visit on July 9, 2009, he stated that he stopped working at this job approximately two months prior. During this visit, he advised of two subsequent jobs. The offender did not report any of the above changes within the required 72-hour period.

5. The offender has violated the supervision condition which states 'The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.'

In March 2008, the offender started the code-a-phone drug testing program. He failed to appear for testing at this program on the following dates: May 5; May 19; the entire month of June; and thus far all of his required dates in July 2009.

Due to the offender's failure to report for drug testing and to the probation office, we have been unable to refer him for drug treatment.

6. The offender has violated the supervision condition which states 'The defendant shall participate in a mental health program for evaluation and/or treatment as directed by the U.S. Probation Office. The defendant shall remain in treatment until satisfactorily discharged and with the approval of the U.S. Probation Office.'

Due to the offender's failure to report to our office as directed during the months of May and June 2009, we could not refer him for mental health counseling.

I declare under penalty of perjury that the foregoing is true and correct.

By: Edward J. Irwin *EJ/da*
U.S. Probation Officer
Date: 7/28/09

THE COURT ORDERS:

- ☐ The Issuance of a Warrant
☒ The Issuance of a Summons. Date of Hearing:
☐ No Action
☐ Other

September 3, 2009 at 12:00 pm.

Jh A 9 2
Signature of Judicial Officer
7-31-09
Date